



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§	
	§	
Elan ZIV	§	
	§	
Serial No.: 10/599,025	§	
	§	
I.A. Filing Date: March 17, 2005	§	
	§	
	§	
For: APPARATUS FOR THE	§	Attorney
TREATMENT OF FEMININE	§	Docket: 34783
PELVIC ORGAN PROLAPSE	§	Previously 445/05410
	§	
	§	

Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

REQUEST TO WITHDRAW NOTIFICATION
OF MISSING REQUIREMENTS

Sir:

This is in response to the enclosed United States Patent and Trademark Office Notification of Missing Requirements mailed July 2, 2008.

Reconsideration and withdrawal of this Requirement is respectfully requested. Serial Number 10/599,025 (hereinafter '025) is not an application filed by Applicant.

On September 18, 2006, Applicant filed a patent application with the above-identified title and attorney docket number. Thereafter, Applicant

Applicant: Elan ZIV
Serial No.: 10/599,025

Attorney Docket: 34783

received Serial Number: 10/593,367 (hereinafter '367). From the below it will be shown that "creation" of the '025 Application must have been mistakenly an error of the USPTO.

Applicant received the attached Notification of Missing Requirements dated October 23, 2007 for Serial No. 10/593,367. Applicant thereafter responded to said Notification on or about December 10, 2007 (Cover letter attached hereto). Thus, the Notification of Missing Requirements has been complied with.

While Applicant did file the '367 application, having the above-identified Attorney docket number 34783 (previously 445/05410), Applicant did not file any other corresponding application in the USPTO bearing the same title, attorney docket number and claiming the same PCT priority. Both the '025 and the '367 applications have the same International filing date of March 17, 2005 and identify the same attorney docket number.

The error is further illustrated by a comparison of the International Application number (PCT/IL2005/000303) and its Publication number (WO/2005/087153). The Notification of Missing Requirements for the '025 Application states that the International Application No. is PCT/IL05/87153. It appears that sections of the PCT application number and sections of the WO Publication number have been combined by the USPTO to "create" a new filing. A search of the WIPO records reveals that no Application exists with Application No. PCT/IL05/87153.

Debits for the 10/593,367 Application were made from Applicant's Deposit Account on September 25, 2007. Applicant hereby requests a refund of all fees withdrawn in June 2008 from the Deposit Account in relation to mistakenly created Serial Number 10/599,025. Applicant did not file this application nor authorize the withdrawal of the fees related thereto. Said fees were withdrawn from Deposit Account 033419 on June 26, 2008.

Applicant: Elan ZIV
Serial No.: 10/599,025

Attorney Docket: 34783

As is obvious from the above facts, the Notification of Missing Requirements dated July 2, 2008 was issued in error and should be withdrawn, and such Action is respectfully requested. Furthermore, all amounts debited in relation to application number 10/599,025 should be refunded.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Martin D. Moynihan". The signature is fluid and cursive, with the first name "Martin" being the most prominent.

Martin D. Moynihan
Registration No. 40,338

Date: July 28, 2008



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

34783(7) PS

U.S. APPLICATION NUMBER NO. 10/599,025	FIRST NAMED APPLICANT Elan Ziv	ATTY. DOCKET NO. 445/05410
INTERNATIONAL APPLICATION NO. PCT/IL05/87153		
I.A. FILING DATE 03/17/2005		PRIORITY DATE 03/18/2004
CONFIRMATION NO. 3210 371 FORMALITIES LETTER		

44909
PRTSI
P.O. Box 16446
Arlington, VA 22215

OC000000030706230

Date Mailed: 07/02/2008

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 09/18/2006
- Copy of the International Search Report filed on 09/18/2006
- Preliminary Amendments filed on 09/18/2006
- Oath or Declaration filed on 09/18/2006
- Request for Immediate Examination filed on 09/18/2006
- U.S. Basic National Fees filed on 09/18/2006
- Assignment filed on 09/18/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$65** for a Small Entity:

- \$65 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.

<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

JOHN L ANDERSON

Telephone: (703) 308-9140 EXT 211



UNITED STATES PATENT AND TRADEMARK OFFICE

34783

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 180
Alexandria, Virginia 22304-1810
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/593,367	FIRST NAMED APPLICANT Elan Ziv	ATTY. DOCKET NO. 443/05410
INTERNATIONAL APPLICATION NO. PCT/IL05/00303		
I.A. FILING DATE 03/17/2005		PRIORITY DATE 03/18/2004

William H. Dippert
Wolf Block Schorr & Solis-Cohen
250 Park Avenue
New York, NY 10177

CONFIRMATION NO: 8862
371 FORMALITIES LETTER



Date Mailed: 10/23/2007

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

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- U.S. Basic National Fees filed on 09/18/2006
- Priority Documents filed on 09/18/2006
- Specification filed on 09/18/2006
- Claims filed on 09/18/2006
- Abstracts filed on 09/18/2006
- Drawings filed on 09/18/2006

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
 - does not identify the citizenship of each inventor.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

page 1 of 2

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If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

TONI M HOOD

Telephone: (703) 308-9140 EXT 218

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§	
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Elan ZIV	§	
	§	
Serial No.: 10/593,367	§	
	§	
I.A. Filing Date: March 17, 2005	§	Group Art Unit:
	§	Not Yet Assigned
	§	
For: APPARATUS FOR THE	§	Attorney
TREATMENT...	§	Docket: 34783
	§	
Examiner: Not Yet Assigned	§	

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO MISSING REQUIREMENTS

Sir:

This is a response to the attached Notification of Missing Requirements dated October 23, 2007, which response is being made on or before December 23, 2007, and for which no extension fee is due. Attached is an executed Declaration to comply with said Notification.

Please charge \$ 130.00 and any additional fees, if required, to Deposit Account 50-1407. A duplicate copy of this form is enclosed.

Respectfully submitted,

Martin D. Moynihan
Registration No. 40,338

Date: December 10, 2007